

LORD INJUNCTION TOO LATE?

AMENDED EQUITABLE CHARTER HAD BEEN SENT TO ALBANY.

Counsel for Society Say Supt. Hendricks Can't Be Enjoined From Approving and Filing—Other Side Think There Is Still Time—Argument Postponed.

Counsel for the Equitable Life Assurance Society declared yesterday that nothing (damaging to the policyholders) interest can result from the action brought in the Supreme Court in Brooklyn at the instance of Franklin B. Lord, owner of thirty-six shares of the capital stock of the society, to restrain the society, its board of directors and officers from carrying into effect the proposed plan of mutualization as provided in the amended charter.

They said that Mr. Lord is too late with his application for a restraining order; that final action has been taken by the board in the matter and that the amended charter is now probably in the hands of the State Superintendent of Insurance, whose approval it will have to have before it can become operative. The charter was forwarded to Supt. Hendricks by the directors, it was said, on Friday before the order to show cause was obtained from Justice Maddox. It was said that it would be impossible to enjoin the Superintendent in the matter.

It is the opinion of Edward M. Shepard, counsel for Mr. Lord, that further action by the board of directors is necessary before the amended charter, if approved by the Superintendent, can be put into effect, and argument on the application for a permanent restraining order will be heard before Justice Maddox on Monday, an adjournment having been taken from 11 o'clock yesterday morning at the request of Mr. Shepard. In adjourning the hearing, however, Justice Maddox ordered that the executive board of the society and its officers should take no affirmative action as regards the mutualization plan until argument had been heard by the court. This order, of course, has the effect of a temporary injunction, and Mr. Shepard's request that an adjournment of the argument should not be considered without this was opposed by William B. Hornblower, who appeared for the Equitable.

Other counsel present for the Equitable were William N. Cohen and Baldwinridge Colby. Associated with Mr. Shepard as representing Mr. Lord was Henry De Forest Baldwin.

In opening, Mr. Shepard declared that the object of the application was to make certain that however much merit there might be in the mutualization of the society all the steps taken were legal and that the rights of the stockholders were fully safeguarded.

"We assume," said Mr. Shepard, "that our friends on the other side believe as we do, that so grave a change in the affairs of the Equitable society should not take place under any circumstances unless it is entirely lawful and can be upheld. I would suggest that no undue haste be made in the matter."

Mr. Shepard said, though, that he understood that the preparation of the proposed amended certificate of the Equitable and the procedure to the confirmation of the amendment were to be effected without delay. For this reason the motion had been made returnable expeditiously.

Mr. Hornblower replied that his client did not desire to delay any consideration or decision by the court on the question of law involved in the plan, but some of the papers, he said, were served late on Friday and had come into his hands only a few hours before the time set for the argument of the motion.

"I make it a stipulation of adjournment that the board of directors shall take no action whatever regarding this plan of mutualization until argument has been heard and decision rendered," said Mr. Shepard.

"I will make no such agreement," replied Mr. Hornblower, sharply. "The action amending the Equitable charter has already been taken, and now it is simply the duty of the officers to go ahead and put it into effect after it has been approved by the Superintendent."

"But we have had no notice," interrupted Mr. Shepard.

"Again I remark that it is remarkable," retorted counsel for the society. Then he added: "As a matter of fact, the executive officers of the society have already proceeded and have executed the amended charter, which is now in the hands of the Superintendent of Insurance, and there is nothing further for them to do."

"If it is true, as counsel declares," said Mr. Shepard, "that the amended charter has already been sent to the Superintendent of Insurance it is proper that the court should know when that action was taken with reference to the time of the service of these papers. Will counsel tell us when that step was taken?" inquired Mr. Shepard, rather anxiously.

"Are you making another motion now, Mr. Shepard?" replied Mr. Hornblower blandly, and then Justice Maddox announced the adjournment.

The ground on which counsel for Mr. Lord expected to be able to accomplish something in their action, if the application for the injunction is granted, was explained last night. The insurance law covering the amendment of the society's charter, it was said, provides for the submission of the amended charter to the Superintendent for his approval after the directors have acted on it, and then for the filing of the amended charter in the office of the Department of Insurance in Albany. It is the contention of Mr. Lord's counsel that the law anticipates the transfer of the charter by the Superintendent back to the board and the filing of it by the officers of the society. In other words, they say that it is one thing to send it to his office for approval and an entirely separate thing to send it there to be filed.

Many reports were circulated yesterday regarding the true inwardness of the action as related to the controversy in the society. Most of these reports had it that Mr. Lord was acting in the interest of the Hyde family. This, however, was emphatically denied by the plaintiff, who declared that he had undertaken the action entirely on his own account, because he believed that a vital principle of stock ownership is involved in the mutualization plan. He said also that he knew nothing except what had been made public regarding the controversy going on within the society. Reports were circulated, too, in Hyde quarters that Mr. Lord had once been counsel for James H. Hyde, but had re-

G. WINTHROP SANDS MARRIES.

BRIDE OF W. K. VANDERBILT'S STEPSON IS MISS TAYO NEWTON.

Young Man Was a Harvard Freshman Last Fall—Of Late Has Been Working in a Banker's Office Here and Living Alone in the W. K. Vanderbilt House.

G. Winthrop Sands, stepson of William K. Vanderbilt, and Miss Tayo Newton, daughter of Dr. and Mrs. T. Newton of 120 West Fifty-seventh street, were married yesterday morning at the Marble Collegiate Church (Reformed). Fifth avenue and Twenty-ninth street, by the Rev. Otto L. F. Mohr, the assistant minister.

It was said last night by the friends of Mr. Sands that the marriage had been approved, not only by the parents of the bride, but by Mr. Vanderbilt and his wife, who, before her marriage to Mr. Vanderbilt in 1903, was first the widow of Samuel Stevens Sands and later the widow of Lewis M. Rutledge. The friends said that, although the marriage may have appeared to be hasty, it was not exactly so, but rather the result of the wish of the young people to be married at once and as quietly as possible. The Rev. Mr. Mohr said that the ceremony was arranged for ten days ago.

Mrs. Vanderbilt is abroad. The parents of the bride were not present at the ceremony. Dr. Newton, a retired physician, last night at his apartments in the St. Hubert that he did not object to the match. He did not know, however, who had performed the ceremony or who was present.

"There was consent on both sides," he said. "I did not deem it my business to interfere with my daughter's affairs."

"Is your daughter of age?"

"I do not think so," said Dr. Newton. It was not that he did not know her years, but that he was in doubt as to the legal age for marriage without the parental consent.

A man close to Mr. Sands said last night that the bridegroom was 20 years old and that the bride was a year younger. The Rev. Mr. Mohr was asked about this.

"They were both of age," he said. "The groom was 24 years old—I have his affidavit for that—and the bride—well, she was of age."

The friend of Mr. Sands said that Mr. Sands's brother, S. Stevens Sands, was at the wedding and that the only other witnesses were Mr. and Mrs. C. L. Waterbury and J. H. Alexander, Jr.

Mr. Sands came here from abroad three years ago. He is a tall, handsome young fellow of athletic tendencies, a golfer and rider. He and his brother were in the freshman class at Harvard when this year's catalogue was printed. He has recently been at work in the banking house of Taylor & Robinson at 2 Wall street and lived a rather lonely bachelor life in his stepfather's house at 600 Fifth avenue. His mother has lived abroad for years—the Vanderbilts are now in France—and his brother is still at college. Mr. Sands's friends said yesterday that he and Miss Newton have known each other since childhood and have had an understanding for a long time.

The bride is described as a very beautiful young woman of the brunette type. Mr. Sands's mother, who was Miss Anne Harriman, married Samuel S. Sands when she was 18 and joined him in the outdoor sports of which he was so fond. She was a daughter of Oliver Harriman and the sister of Mrs. William R. Traverser. Her married life with Mr. Sands was very happy. After his death she married his most intimate friend, Lewis Morris Rutherford. Since that time she has lived mostly abroad. She bore two sons to Mr. Sands, Winthrop and Stevens, and two daughters to Mr. Rutherford, who died in 1901.

Mrs. Rutherford's marriage to Mr. Vanderbilt, which took place in St. Mark's Church, London, April 29, 1903, caused international comment because of the opposition of English churchmen, based on the fact that Mr. Vanderbilt was a divorced person. His former wife is now Mrs. O. H. P. Belmont.

ALLEGED BRIBER FREE.

The last indictment against Edward Butler of St. Louis is quashed.

St. Louis, April 8.—The last indictment against Edward Butler for his alleged connection with bootlegging was dropped to-day after Judge Hiram Moore of the Court of Criminal Correction had sustained a motion to quash the information charging him with bribing Charles F. Kelly to leave St. Louis and remain away to avoid testifying before the Grand Jury.

Butler was convicted at Columbia, Mo., of attempting to bribe a member of the Board of Health and sentenced to three years in the penitentiary. The Missouri Supreme Court reversed the decision and ordered the defendant released. Butler was last acquitted by a jury at Fulton, Mo., of bribing members of the House of Delegates in the light-house deal. Charles F. Kelly, an important witness in this case, left the city and spent several months in Europe, and remained away until the statute of limitations would not be applicable to the cases of several alleged wealthy-bribe givers.

In the information quashed to-day, Butler was charged with sending Kelly to Europe to keep him from testifying.

STORE SLEUTH ARRESTS THREE.

Woman Denies She Was Couple Who Had Alleged Plunder.

A young man and two young women attracted the attention of House Detective John F. Larkin at Altman's yesterday afternoon. He followed them to the second floor. While the young women engaged the attention of a couple of saleswomen the man stood by their side, near the counter. Finally Larkin saw him slip five silk waists into his side pocket.

Larkin arrested all three. He says two pairs of silk hose, valued at \$13, were found in the muff of one of the women. The side pocket of the man's overcoat had no bottom to it. The waists were found inside the lining. Altogether the stuff recovered was worth \$105.00.

On the way to the station house the man told Larkin that he had just come from the West and had no idea of being arrested so soon. He gave his name as William Reynolds. The woman said that they were Anna Burnham of 230 West Forty-first street and Mrs. Lottie McCabe, address refused.

Mrs. McCabe denied that she had been with the others or that she even knew them. All three were locked up in the Tenderloin station.

PHILIPPINE GEMS RECOVERED.

Only American Woman in Manila on Day of Dewey's Battle Has Robber Held.

Mrs. Kate Knudson of 614 Ninth avenue, who says she was the only American woman resident of the Philippines prior to the Spanish war, appeared in the West Side court yesterday as complainant against James McDonough of 329 West Forty-fourth street, whom she charged with the theft of \$800 worth of jewelry. McDonough, she said, entered her house by a window and took the jewelry from her bureau. She lost two watches, two chains, three diamond rings, a stockpin, some studs and a loose diamond.

Most of the jewelry was purchased in the Philippines a number of years ago. She said it was of very quaint design and workmanship. She wore in court a pair of earrings each of which contained three good sized diamonds set in a framework of gold, the whole appearing not unlike a wide finger ring.

Detective O'Neill of the West Forty-seventh street station found part of the stolen property on McDonough and more of it in his room and secured the pawn tickets for the remainder. McDonough was held by Magistrate Ommen in \$1,000 for trial.

Mrs. Knudson was the wife of Frederick Knudson, a Cuban by birth and an American citizen, who conducted a tobacco industry in Manila. Mrs. Knudson says she was there the day of Dewey's battle.

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NEW STATION IN THE BRONX.

New York Central Is Said to Have Been Buying Property for One.

The New York Central Railroad has recently been acquiring land between its right of way and Mott avenue, from 138th to 149th street, in the Bronx. The purchases have been made quietly. The land, it is said, is to be used for the erection of a great union station in the Bronx. It is known that the Central for several years has contemplated building a new station, where its suburban traffic, as well as the traffic of the Harlem division and of the New York, New Haven and Hartford road, can be handled with greater facility than the present accommodations allow. This terminal, it is said, will be either at 138th or 149th street.

The new station in the Bronx, it is said, would greatly relieve the congestion in the Forty-second street station, and with the suburban trains stopping north of the Harlem River the movement of the road's through and local express trains would be expedited. The union station also, it is said, would prove of additional service during the building of the great station at Forty-second street.

Among the concerns that have been approached by persons said to represent the New York Central, with a view to purchasing property, is the Francis Bacon Piano Company. Their property fronts the tracks at 139th street. The railroad company, it is said, has either acquired or secured options on all the land that it needs for the station, and also for the new tracks which it will need from Mott Haven north. It was said last night that the new station will probably be built at 138th street. The plan for the new East Side subway, as drawn by William Barclay Parsons, takes it into Mott Haven station of the Central at 138th street.

AS MRS. FAIRBANKS VIEWS IT

Too Early, She Says, to Talk About Her Husband's Candidacy.

NORFOLK, Va., April 8.—Mrs. Charles Warren Fairbanks, wife of the Vice-President and president-general of the Daughters of the Revolution, arrived here this evening to visit Mrs. Hugh Nelson Page, regent of the society here. To the reporter who questioned her about the boom of Mr. Fairbanks for the Presidency, Mrs. Fairbanks said:

"Oh, there is nothing whatever in that, although the Senator did make a little speech down in Greensboro, N. C., about a month ago."

"But is he not a candidate for the Presidency?" asked the reporter.

"It is really too early yet to be talking about such things," said Mrs. Fairbanks, smiling amiably, "for you know Mr. Roosevelt has several years to serve."

Mrs. Fairbanks said that the Senator, as she still calls the Vice-President, is in Indianapolis now, looking after his interests in the Hoosier State.

"He is not so fond," she said, "of shooting and of bagging big game as the President, but he takes a little recreation of that sort occasionally."

Mrs. Fairbanks says she will not be a candidate for the presidency of the Daughters again, as two terms are enough. In answer to the reporter's question as to the signature of the American bankers who have had charge of the issue, something like 80,000 certificates have been sent out, and Kuhn, Loeb & Co., the bankers, have had a most successful job signing the certificates.

By law the certificates must bear the signature of a member of the firm. No clerk can lighten the labor of the bankers. Every spare moment during the week was spent in scratching the name, Kuhn, Loeb & Co., 80,000 times. A visitor who saw one member of the firm at work on the certificates had several questions to ask of the banker. Each question was answered, but the banker never once looked up from the formidable pile of green papers. He was asked how he liked it.

"It is dreadful," he said, as his pen scratched away, "we are almost nervous wrecks."

THE MOVING PLATFORM.

It was announced yesterday that many of the so-called consents for the moving platform in Thirty-fourth street were made prior to the designation of the new subway routes for rapid transit lines by the Rapid Transit Commission and that since the announcement by John B. McDonald, the city engineer, that the platform and the line from The Bronx to the Battery could not be operated on the same street, some of those who indorsed the moving platform idea have decided to attend the hearing before the Rapid Transit Commissioners which the Pennsylvania Railroad has requested before finally committing themselves on the subject.

Among those who are to attend the hearing on the moving platform proposition are Charles Peabody of counsel for the Astor estate and the Knickerbocker Trust Company, large owners of real estate on Thirty-fourth street.

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HE FOUND A NEW EXPLOSIVE.

CHEMIST FOR 80 YEARS BLOWS HIMSELF UP FOR FIRST TIME.

Was Warning in a Test Tube Some of the Residuary Solution After Making Nitro-Cinnamic Acid—The Stuff Exploded and Filled His Face With Glass.

Dr. Ludwig H. Friedburg, an instructor in chemistry in the College of the City of New York, met with an accident in the laboratory of the college yesterday that would have cost him his eyesight if he had not been wearing glasses. Dr. Friedburg was experimenting with nitro-cinnamic acid and was holding a test tube over a naphtha burner when the contents exploded, shattering the tube and driving pieces into his face.

There were only fifteen grains of the drainage or scum from the nitro-cinnamic acid in the tube. It covered a space in the bottom of the tube hardly as large as a little finger nail. Dr. Friedburg held the mouth of the tube away from him and the bottom caught three inches above the naphtha burner.

For a long time he has wondered what properties this scum or drainage from nitro-cinnamic acid had and yesterday while he was alone in the laboratory and likely to be free from disturbance he decided he would try to find out. Nitro-cinnamic acid is a combination of the two acids after which it is named. The combination is an acid related to indigo. In the scum or residue left by the combination Dr. Friedburg is satisfied that he has found a new and very powerful explosive.

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He was stunned for a moment when the minute quantity blew up and then he opened the laboratory door and called for help. Michael Boney, the janitor, found him standing in the doorway, bleeding from many small cuts on his face.

Boney telephoned for an ambulance and then for Dr. E. W. Dittich of 230 East Twenty-third street, who got there first. Dr. Dittich dug out the glass from the chemist's face and hands and Dr. Friedburg went to his home at 525 West 147th street. He said last night:

"It may be that this little mishap to-day will lead to something important to chemists. I have always been anxious to know what this liquid drainage from nitro-cinnamic acid was and you can readily see that if only fifteen grains will mark me up like this it wouldn't take so much more to blow a man to pieces."

Dr. Friedburg has been an instructor in chemistry at the College of the City of New York for the last twenty years. He said that he began the study of chemistry when he was 9 years old and had been at it for fifty years and that yesterday was the first time he had ever received a scratch in experimenting.

HAD TO SIGN 80,000 TIMES.

Partners in Kuhn, Loeb & Co. Find Japanese Loan Effort.

Successful subscribers to the Japanese loan have received certificates for the amount of bonds allowed them. Each one of these certificates has the signature of the American bankers who have had charge of the issue. Something like 80,000 certificates have been sent out, and Kuhn, Loeb & Co., the bankers, have had a most successful job signing the certificates.

By law the certificates must bear the signature of a member of the firm. No clerk can lighten the labor of the bankers. Every spare moment during the week was spent in scratching the name, Kuhn, Loeb & Co., 80,000 times. A visitor who saw one member of the firm at work on the certificates had several questions to ask of the banker. Each question was answered, but the banker never once looked up from the formidable pile of green papers. He was asked how he liked it.

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NEW ROCKEFELLER GRANDCHILD

Girl Born to Mrs. Harold McCormick of Chicago—Her Fifth Child.

CHICAGO, April 8.—A fifth child was born to Mr. and Mrs. Harold McCormick to-day. Mrs. McCormick is the daughter of John D. Rockefeller.

The new baby is a girl, and late to-night it was reported that both the infant and its mother were doing nicely. Of the five children that have been born to Mr. and Mrs. McCormick three are living, a boy and two girls.

WOODRUFF WEDDING.

Date Changed to April 24—Young Woodruff to Marry Later.

The date of the marriage of Timothy L. Woodruff and Miss Isabella Morrison, April 22, announced in THE SUN several days ago, has been changed. It was announced last night to April 24. The ceremony will take place at the Dorilton, Broadway and Seventy-first street, the home of the bride and her mother. The bridegroom, Mr. Woodruff's son, John, who is to be married at the same time and place was said to be a misstatement. Young Mr. Woodruff is to be married late in the season at Cleveland.

FLUNG THROUGH AIR TO CARROOF

Then Rolled Off to Ground—That Is What Gave Brier His Bruises.

William Brier is 23 years old and hails from Scranton, Pa. He was working a river on one of the bridges over the Lackawanna depression near Roseville station, Newark, yesterday morning when the Montclair Express came through and the hood of the engine cab caught the drooping air hose. Brier was flung into the air and he fell upon the roof of one of the passenger cars. He rolled over several times and then fell twelve feet to the ground between the tracks. Then he did some more rolling and slumped down in a heap.

He was taken to St. Michael's Hospital and an examination disclosed that his most serious injury was a sprain of the right arm. There was a superficial cut on his forehead and a well distributed lot of contusions, but altogether they did not amount to anything serious.

When asked what his impressions were he said that he did not have time to think before he struck the roof of the car, and then he wondered whether there was another train coming on the other track. Then came the hard bump and he was dazed for a while.

GEO. GOULD'S DRIVER NARRED.

Bike Cop Says He Was Going Too Fast on Broadway in Mr. Gould's Auto.

Bicycle Policeman Herrigan of the West Forty-seventh street station, arrested yesterday afternoon Arthur Froislin, an automobile driver in the employ of George Gould, at Broadway and Fifth street, for violating the speed ordinance.

Froislin was in Mr. Gould's machine. He was locked up and later bailed out by an automobile dealer.

4,500 DEAD IN INDIAN TOWN.

Great Loss of Life at Kangra—Not a Building Left in One Place.

LAKHOTE, April 8.—It is believed that 4,500 persons were killed during the earthquake shocks at Kangra.

The first relief party to reach Dharmasala, the hill station which was destroyed by the recent earthquake, arrived there last evening.

The horrors of Dharmasala were duplicated at Kangra, except that the number of Europeans killed and injured there was less. Not a building was left standing. All the police were killed. Many persons who were buried in the ruins of buildings are believed to be still alive.

SMILA, April 8.—The viceregal lodge has been declared unsafe on account of the damage done to it by the earthquake, and Lady Curzon and her children, with the Viceroy's staff, have been removed to other quarters. Lady Curzon's bedroom was badly damaged.

STUDENT HURT ON BALL FIELD.

Collided With Another While Trying to Catch a Ball.

PRINCETON, N. J., April 8.—R. A. Garrison, a senior, was playing baseball with some of his classmates on the Field yesterday, and in running to catch a ball he collided violently with another man who was attempting to catch the same ball. Both men were thrown to the ground, but it was not thought that either was injured.

Garrison walked to his room and seemed to be feeling as well as usual. Shortly after his return, however, while he was talking with his roommate, he toppled over in a faint. He was carried to the Princeton Infirmary, where he grew rapidly worse.

A specialist was summoned from New York and it was found that one of his kidneys had been torn.

An operation had to be performed at once and the organ removed. For some time it was thought that Garrison could not possibly recover, to-night he is better, and his chances of recovery are favorable. He comes from Philadelphia.

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